

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educator)	ORDER OF SUSPENSION
)	(BREACH OF CONTRACT)
Certificate of Thomas J. Stephens)	
)	
Certificate # 178109)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 12, 2003. On September 29, 2003, the State Department of Education (Department) sent Mr. Thomas J. Stephens a notice of his right to a due process hearing regarding the possible suspension of his South Carolina educator certificate (certificate) by certified mail, return receipt requested, delivery restricted to addressee. Mr. Stephens received the notice, as evidenced by the postal receipt bearing his signature. Mr. Stephens did not request a hearing during the period allowed by law, and is now in default. After considering the evidence presented by the Department, which was undisputed by Mr. Stephens, the State Board voted to suspend Mr. Stephens's certificate for one year.

Mr. Stephens holds a valid certificate, with over six years of teaching experience. During the 2002-2003 school year he was a science teacher at Berea High School in the Greenville County School District (District). He signed a contract with the District for the 2003-2004 school year. On August 12, 2003, Mr. Stephens submitted his resignation via email, effective immediately, to his principal. His stated reason for leaving was that he was taking a job closer to his home, to avoid a four-hour commute each day. On August 29, 2003, the Superintendent wrote Mr. Stephens to remind him that his resignation did not comply with District policy and that he would recommend to the District Board that a complaint should be filed with the State Board. On September 9, 2003, the

District Board voted to file a breach of contract complaint against Mr. Stephens with the State Board.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for breach of contract. S.C. Code Ann. § 59-25-530 (1990). Unprofessional conduct includes breach of contract. S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is conclusive evidence supporting its decision to suspend Mr. Stephens 's certificate # 178109 for a period of one year from November 12, 2003, through November 11, 2004, on the ground of unprofessional conduct due to breach of contract. At the end of the suspension period if he wants his certificate reinstated, Mr. Stephens may make a written request for reinstatement to the Office of Teacher Education and Certification of the Department.

South Carolina State Board of Education

By: /S/ Greg Killian

Greg Killian

Chair

Columbia, South Carolina

November 12, 2003